

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA

V.

DEMI MISHEL MUNIZ

§  
§  
§  
§  
§

CRIMINAL NO. H-12-221

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts are established by a preponderance of the evidence and require the detention of the above-named defendant pending trial in this case.

Findings of Fact

[ ] A. Findings of Fact [18 U.S.C. § 3142(e), § 3142(f)(1)].

[ ] (1) The defendant has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is

[ ] a crime of violence as defined in 18 U.S.C. § 3156(a)(4).

[ ] an offense for which the maximum sentence is life imprisonment or death.

[ ] an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. ( ) § 801 et seq. ( ) § 951 et seq. ( ) § 955(a).

[ ] a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1) (A)-(C), or comparable state or local offenses.

[ ] (2) The offense described in finding 1 was committed while the defendant was on release pending trial for a federal, state or local offense.

[ ] (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding 1.

[ ] (4) Findings Nos. 1, 2, and 3 establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community. I further find that the defendant has not rebutted this presumption.

[ ] B. Findings of Fact [18 U.S.C. § 3142(e)]

☐ (1) There is probable cause to believe that the defendant has committed an offense

☐ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C.  
( ) § 801 et seq. ( ) § 951 et seq. ( ) § 955(a).

☐ under 18 U.S.C. § 924(c).

☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

☒ C. Findings of Fact [18 U.S.C. § 3142(f)(2)]

☒ (1) Defendant is charged with conspiracy to transport, conceal, harbor or shield from detection illegal immigrants in the United States in violation of 18 U.S.C. § 1324.

☒ (2) There is a serious risk that the defendant will flee.

☐ (3) Defendant represents a danger to the community.

☐ (4) There is a serious risk that the defendant will (obstruct or attempt to obstruct justice) (threaten, injure, or intimidate a prospective witness or juror, or attempt to do so).

☒ D. Findings of Fact [18 U.S.C. § 3142(c)]

☐ (1) As a condition of release of the defendant, bond was set as follows:

☐ (2)

☒ (3) I find that there is no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) which will reasonably assure the appearance of the defendant as required.

☐ (4) I find that there is no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) which will reasonably assure the safety of any other person or the community.

Written Statement of Reasons for Detention

I find that the accusations in the indictment, the pretrial services report, and at hearing establish by a preponderance of the evidence that no condition or combination of conditions will reasonably

assure the appearance of the defendant as required.


I conclude that the following factors specified in 18 U.S.C. § 3142(g) are present and are to be taken into account:

1. Defendant is a 33 year old born in Guatemala. She initially entered the United States illegally as a minor but became a naturalized United States citizen in 2008. She lived in California from 1994-2001, then married and moved to Guatemala. She lived in Alaska from 2002-04, but has lived in California since 2004. Her mother lives in Guatemala. She has siblings in Houston, Texas and California. She has traveled to Guatemala several times since coming to the United States. She has also traveled to Russia as a nanny. She takes her son to an orthodontist in Tijuana every two months.
2. Defendant is accused of conspiring to transport illegal immigrants into the United States in violation of 18 U.S.C. § 1324. The indictment and testimony at the hearing indicate that defendant participated in a scheme to extort money from family members in return for the release of individuals. One individual died in connection with the smuggling scheme. The charges against defendant carry a potential penalty of life imprisonment or death.
3. While defendant has no prior criminal convictions, analysis of banking records suggests at least a year-long involvement in immigrant smuggling activities.
4. Defendant has significant connections to Guatemala and experience with international travel. She has no economic ties to this community in the form of property or financial assets.
5. It is noted that defendant was ordered detained pending trial by a U.S. Magistrate Judge in the Central District of California shortly after her initial appearance. The evidence offered in this proceeding does not justify a different result.
6. There is no condition or combination of conditions of release which would assure the appearance of the defendant in court. Detention is ordered.

Directions Regarding Detention

It is therefore ORDERED that the defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with all court proceedings.

Signed at Houston, Texas, on June 26, 2012.

  
Stephen Wm Smith  
United States Magistrate Judge